

# Greenberg Traurig

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## Transmittal Cover Sheet

<b>From:</b> R. Joseph Foster	<b>Tel:</b> 310.586.6565	<b>E-Mail:</b> FosterJ@gtlaw.com
<b>To:</b> <b>Examiner Shian</b> <b>Tinh Nhan Luong</b> <b>ART UNIT 3728</b>	<b>Fax No:</b> (571) 273-8300	<b>Company:</b> United States Patent & Trademark Office
		<b>Phone No.:</b> (571) 272-4557

**File No.:** 53221-011300

**Re:** Response to Restriction/Election Requirement for US Application Serial No. 10/644,466

**Date:** October 27, 2005

**No. Pages:** Including Cover Sheet 5

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**Notes:**

**Re:** U.S. Utility Patent Application Serial No.: 10/644,466

**Entitled:** **COSMETIC PACKAGING DEVICE**

**Filing Date:** August 19, 2003

**Inventor(s):** Ellen R. Jackson

**Our Ref:** 53221-011300

Also sent via:  US Mail  Overnight  Messenger  Email  No Other

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PTO/SB/21 (09-04)

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(to be used for all correspondence after initial filing)

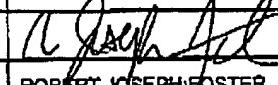
Total Number of Pages in This Submission 4

Application Number	10/844,466
Filing Date	August 19, 2005
First Named Inventor	Elian R. JACKSON
Art Unit	3728
Examiner Name	Shian Tinh Nhan Lueng
Attorney Docket Number	53221-011300

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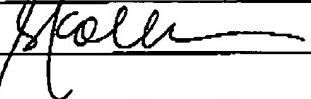
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	GREENBERG TRAURING LLP		
Signature			
Printed name	ROBERT JOSEPH FOSTER		
Date	October 27, 2005	Reg. No.	56,953

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Signature	
Typed or printed name	Sherry B. Kolber
Date	October 27, 2005

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PATENT

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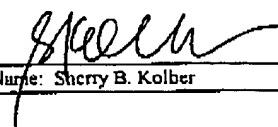
OCT 27 2005

Application No. 10/644,466 Group Art Unit: 3728  
Applicant(s): Ellen R. Jackson Examiner: Shian Tinh Nhan Luong  
Filing Date: August 19, 2003 Docket No. 53221-011300  
Title: **COSMETIC PACKAGING DEVICE** Customer No. 33717

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October 27, 2005  
Date

  
Name: Sherry B. Kolber

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Dear Sir:

This response is being submitted in reply to the communication of September 28, 2005 which includes an election requirement. This response is being timely filed within the shortened 30-day statutory period for response expiring on October 28, 2005 and accordingly no fee is due.

Claims 44-68 are currently pending in the above-identified application and, pending the outcome of the traverse of the election requirement, are still under consideration.

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*The Election Requirement*

The species election requirement states that the following species of the claimed invention are distinct:

- Group I: An attachment device comprises magnets.
- Group II: An attachment device comprises ring and hook type fabrics.
- Group III: An attachment device comprises a flexible snap lip configuration.
- Group IV: An attachment device comprises a pin and hole configuration.

*Response to Election Requirement*

Responsive to the Office Action mailed September 28, 2005, kindly enter the following provisional election: Applicants provisionally elect Group I, with traverse.

The Election Requirement is traversed in the following grounds:

The requirement for election by the Examiner is respectfully traversed because of the relationship between the species or embodiments of Group I, II, III, and IV. A search of the claims read upon provisionally elected species or embodiments of Group I, drawn to an attachment device comprising magnets., will necessarily encompass a search relating to species or embodiments of Group II, III, or IV, drawn to an attachment device comprising ring and hook type fabrics, a flexible snap lip configuration, and a pin and hole configuration.

Furthermore, the Examiner's request will impose an unnecessary burden, not only on the Applicant but also the public, as it would require multiple patents to cover the technology of the claims of the invention. Therefore, Applicant respectfully requests that the election requirement be withdrawn and that all claims be examined together in the pending application.

10-27-05 12:08pm From-Greenberg

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T-386 P.005/005 F-495

Appl. No. 10/644,466

Docket No. 53221-011300

Applicant has complied with all requirements made in the above referenced communication. Accordingly, examination of this application on the merits is respectfully requested. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicants' undersigned agent.

Respectfully submitted,

  
\_\_\_\_\_  
Robert Joseph Foster  
Registration No. 56,953

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